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10/664,622	09/17/2003	Joshua T. Chard	32340-DIV	4008
7590 06/07/2006			EXAMINER	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/664,622
Filing Date: September 17, 2003
Appellant(s): CHARD ET AL.

attorney Williams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/13/06 appealing from the Office action mailed 10/20/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

U.S. Application No. 10/103,433.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct. The Claims Appendix contains independent claim 23 and its dependent claim 31 which are not being appealed.

(8) Evidence Relied Upon

3,489,243	Prescott et al	1-1970
3,844,378	Balogh	10-1974
3,985,041	Gilmore	10-1976
3,842,458	Bauer	10-1974

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Prescott, Balogh or Gilmore. Prescott shows a handle 72, linkage 36,38 made of non-conducting material, and a control assembly at 24. Balogh shows a handle 42 and electrically non-conductive linkage 68. Gilmore shows an isolation mechanism having a handle 23 and a non-conductive means at 24.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,17,24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore or Prescott in view of Bauer. Prescott shows the claimed isolation mechanism at 36,38 with the exception of the non-conductive handle. Gilmore show the claimed isolation mechanism having a non-conductive linkage 24 including an elongated rod assembly 32, the claimed difference being the non-conductive handle. Bauer shows a handle made of plastic as an electrically non-conductive means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handles of either Gilmore or Prescott to comprise a plastic material, as taught by Bauer, to enable their handles to be electrically non-conductive.

Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balogh in view of Bauer. Balogh shows the claimed mechanism having a non-conductive linkage at 56, 68 which may be located in his basket or outside of the boom (column 4, line 23), the claimed difference being the non-conductive handle. Bauer shows a handle made of plastic as an electrically non-conductive means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Balogh to comprise a plastic material, as taught by Bauer, to enable his handle to be electrically non-conductive.

(10) Response to Argument

With respect to claims 1,17 and 22, it is noted that the claimed invention is directed to an isolation mechanism and not to an isolation mechanism in combination with a boom as argued by Appellant. With respect to claim 22, the claim calls for a means for providing control input (handle) and means for providing a dielectric gap, note in Appellant's Summary of The Invention page 4, lines 5-6, and in the second embodiment, page 4 and 5, lines 28-32 and lines 1-4, respectively, wherein the means comprises a handle, not one with a non-conductive material, and an electrically non-conductive material interposed between the handle and a control assembly, Prescott, Gilmore and Balogh all teaches handles with electrically non-conductive material disposed

between there handles and their control assemblies, thus meeting the limitations of claim 22 as set forth under 35U.S.C. 102. With respect to claims 1 and 17, which claims an isolation mechanism comprising a non-conductive control handle and a linkage, “including” an elongated rod assembly, that is “substantially” electrically non-conductive. As stated in the rejection above both Prescott and Gilmore teach these elements with the exception of the non-conductive handle that is taught by Bauer and not contested by Appellant. With respect to 17 and Balogh, Balogh teaches a linkage 56,68 that is “substantially” non-conductive wherein his linkage may be located in his basket of exterior of his boom, and as stated above Appellant does not argue the combination with Bauer. Means 56 and 68 is a means for transmitting motion, thus comprising a link as defined by Webster. Thus Prescott, Gilmore and Balogh as modified by Bauer meet all the claimed limitations and as the modification under 35 U.S. C. 103 have not been contested by Appellant the rejections of claims 1 and 17 are deemed proper. All of Appellant’s arguments are directed to a combination with a boom, which was not claimed and thus such arguments are not deemed persuasive.

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,





ACS


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SUPERVISORY PATENT EXAMINER

Pete Cuomo 

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